

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAKE CHARLES DIVISION

David Wayne Guillory

VS

Mitch Pellerin

CIVIL ACTION # 2:07-cv-1683

JUDGE MINALDI

MAGISTRATE JUDGE KAY

MAGISTRATE JUDGE:	KATHLEEN KAY	DATE:	July 18, 2008
DEPUTY CLERK:	TINA BENOIT	COURT REPORTER:	LaRae Bourque
COUNSEL FOR PLTF.(S):	C James Hicks	COUNSEL FOR DEFT.(S):	Robert Mahtook - Mitch Pellerin, Lisa Milazzo - Mitch Pellerin, Professional Medical Supplies Stanton E Shuler, Jr - Invacare Corp

COURT START TIME:	9:59 A.M.	COURT END TIME:	12:15 P.M.
TOTAL TIME IN COURT: 2/16 minutes			

MINUTES OF COURT
HEARING ON MOTION

A hearing on [18] MOTION to Dismiss Mitch Pellerin by Mitchell Pellerin, [26] MOTION to Compel Initial Disclosures and Discovery Responses, MOTION to Expedite Hearing by Invacare Corp and a Rule to Show Cause for Contempt was set before Magistrate Judge Kathleen Kay for this date.

There was discussion about plaintiff's first and second supplemental state court complaints, of which a motion to amend the record to include those complaints was filed by plaintiff's counsel on July 17, 2008, and whether plaintiff's pleadings states a claim upon which relief may be granted with respect to defendant, Mitchell Pellerin.

A Report and Recommendation will be issued by the court on the [18] Motion to Dismiss Mitch Pellerin.

Invacare's [26] Motion to Compel Initial Disclosures and Discovery Responses, with included Motion to Expedite and Motion for Attorney Fees to include the following:

1. By August 15, 2008 Plaintiff shall deliver to counsel for defendant Invacare a formal response to Invacare's Request for Production of Documents.
2. By August 15, 2008, Plaintiff shall deliver to counsel for defendant Invacare more complete and responsive responses to Invacare's Interrogatories. Specifically, Plaintiff must amend and supplement his responses to Invacare's interrogatories numbers 4 through 23 (inclusive).
3. Former Plaintiff David Wayne Guillory must sign an affidavit declaring that he has read and reviewed the formal response to defendant Invacare's Request for Production of Documents and that said response is true and complete to the best of Mr. Guillory's information and belief.
4. Former Plaintiff David Wayne Guillory must sign an affidavit declaring that he has read and reviewed the amended and supplemental responses to defendant Invacare's interrogatories numbers 4 through 23 (inclusive) and that said responses are true and complete to the best of Mr. Guillory's information and belief.
5. If counsel for Plaintiff decides to submit the above-referenced responses via telefax, Judge Kay ordered him to do so not later than noon of August 15, 2008, and further ordered counsel for Plaintiff immediately to contact the court if he is unable to verify that counsel for Invacare does not receive the telefax transmission.

\$1,000.00 was awarded to Invacare to cover expenses in connection with bringing the [26] Motion to Compel and is to be paid by plaintiff's counsel.

Plaintiff's counsel was not found in contempt of court for his failure to appear as ordered on June 13, 2008.